IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.10551 OF 2006

DATED 31-05-2006

BETWEEN

Yadlapalli Babu Surendra Prasad

.. PETITIONER

And

The District Collector,

West Godavari District at Eluru

and others.

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.10551 OF 2006

Oral Order:

The petitioner challenges the notification dated 7.5.2006 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') proposing to acquire his land in survey No.70/3 of Tyajampudi village, Devarapalli Mandal, West Godavari District admeasuring 82 cents.

The petitioner contends that he is a small farmer and except the land in question, he does not hold any other property. It is stated that a poultry farm is existing thereon. The petitioner also challenges the action of the 1st respondent in dispensing with the enquiry under Section 5-A of the Act.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

It is true that Section 17 of the Act as amended by the A.P.State Legislature provides for dispensing with the enquiry under Section 5-A of the Act in case the land is acquired for the purpose of providing house sites to the poor. In the instant case, small bits of land belonging to several persons is sought to be acquired for providing house sites. Mere existence of power to dispense with the enquiry under Section 5-A of the Act cannot constitute a justification or basis for having recourse to it. Where valuable rights of the citizens are involved, the first respondent is under an obligation to conduct an enquiry and examine as to how far it is advisable to deprive small farmers also of their property. It is in this context that this Court feels that enquiry under Section 5-A has to be conducted. Therefore, the writ petition is disposed of directing that the first respondent shall take further steps in the matter only after conducting enquiry under Section 5-A of the Act and it shall be open to the petitioner to put forward all his contentions in such an enquiry.

L.NARASIMHA REDDY,J

Dated 31.5.2006

msv